

HOUSE BILL REPORT

SB 5106

As Reported by House Committee On:
Transportation

Title: An act relating to inspections of hazardous materials offered by private shippers for transportation by rail.

Brief Description: Clarifying authority over hazardous materials inspections.

Sponsors: Senators Swecker, Jacobsen, Kastama and Oke; by request of Utilities & Transportation Commission.

Brief History:

Committee Activity:

Transportation: 2/15/06, 2/22/06 [DP].

Brief Summary of Bill

- A Washington Utilities and Transportation Commission (WUTC) employee, certified by the Federal Railroad Administration to perform hazardous materials inspections, may enter the property of any business that, among other things, ships hazardous materials by rail.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 17 members: Representatives Murray, Chair; Wallace, Vice Chair; Appleton, Campbell, Clibborn, Dickerson, Flannigan, Hudgins, Jarrett, Kilmer, Lovick, Morris, Sells, Simpson, Takko, Upthegrove and Wood.

Minority Report: Do not pass. Signed by 11 members: Representatives Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Buck, Curtis, Ericksen, Hankins, Holmquist, Nixon, Rodne, Schindler and Shabro.

Staff: David Munnecke (786-7315).

Background:

The Washington Utilities and Transportation Commission (WUTC) performs a variety of duties pertaining to railroad safety. One responsibility of the WUTC is to work with the Federal Railroad Administration as a certified inspector of shipments of hazardous materials. There are three federally employed hazardous materials inspectors assigned to Washington. However, two of these spend a portion of their time conducting inspections in other states. There are more than 300 inspection points throughout the state, which include shippers,

railroad yards, and terminals. Inspections by the federal inspector are unannounced and random.

Unlike federal inspectors, a federally certified WUTC inspector does not have authority to enter a shipper's property without permission. To the extent permission is given, a WUTC inspector can act like a federal inspector. Without permission, a WUTC inspector must be accompanied by a federal inspector to enter a shipper's property.

Summary of Bill:

A WUTC employee, certified by the Federal Railroad Administration to perform hazardous materials inspections, may enter the property of any business that, among other things, ships hazardous materials by rail. Entries shall be at a reasonable time and conducted in a reasonable manner. The purpose of the entry may only be to inspect, investigate, or survey facilities, equipment, records, and operations related to the handling or transportation of hazardous materials by rail.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: There are safety issues involved in the shipping of hazardous materials. Over 100,000 railroad cars containing hazardous materials move through Washington each year, and these shipments can endanger others. The shippers of the materials have the most control over safety, and 50 percent of safety deficiencies involve shippers rather than railroads.

This bill does not ask for more staff, it just gives the current inspectors an opportunity to do inspections when appropriate. The inspections must be reasonable. The WUTC does not want to go on fishing expeditions, it just wants to educate shippers. This bill simply authorizes the enforcement of current law.

(Neutral) There are already many inspectors who regulate shippers. We are opposed to more government intrusion into business.

Testimony Against: None.

Persons Testifying: Chris Rose and Steve King, Washington Utilities and Transportation Committee; Rom Retterath, Washington State Rail Labor Coalition; and Kathleen Estes, Washington State Emergency Management Association.

(Neutral) Dan Coyne, Washington State Council of Farmer Cooperative.

Persons Signed In To Testify But Not Testifying: None.